

UNITED STATES DISTRICT COURT

DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA

v.

JOHN G. ROWLAND

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CRIMINAL NO.

VIOLATION: 18 U.S.C. § 371
(One Count- Conspiracy)

INFORMATION

The United States Attorney's Office charges:

COUNT ONE
GENERAL ALLEGATIONS

1. From approximately January 1995 through June 2004, defendant JOHN G. ROWLAND was the Governor of the State of Connecticut.
2. At all times relevant to this Information, under Connecticut law, the supreme executive power of the state was vested in the Governor who, through the Office of the Governor, had the authority and responsibility to appoint department commissioners and key administrators; approve and veto legislation; set the agenda for the State Bond Commission; authorize expenditures for certain emergency state work; and otherwise set priorities for the State of Connecticut.
3. From approximately October 1997 to April 2002, Peter N. Ellef was Co- Chief of Staff to the Governor of the State of Connecticut.

4. From approximately October 1997 to July 1999, Lawrence E. Alibozek was Deputy Chief of Staff to the Governor of the State of Connecticut.

5. At all times relevant to this Information, the Commissioners for the Department of Public Works (“DPW”), Department of Transportation (“DOT”), Department of Economic and Community Development (“DECD”), Department of Revenue Service (“DRS”) and Department of Children and Families (“DCF”) were appointed by the Governor, served at the pleasure of the Governor, and reported to the Governor’s Co-Chief of Staff.

6. At all times relevant to this Information, William A. Tomasso, Tomasso Brothers, Inc. and Tunxis Management Co. (hereinafter collectively referred to as “Tomasso and related entities”) did business with the State of Connecticut.

7. At all times relevant to this information, Entity A, not named as a defendant herein, did business with the State of Connecticut.

THE CONSPIRACY

8. From approximately October 1997 and continuing through approximately October 2003, in the District of Connecticut and elsewhere, defendant JOHN G. ROWLAND, together with Peter N. Ellef, Tomasso and related entities, Lawrence Alibozek and other persons, known and unknown to the United States Attorney’s Office, did unlawfully and knowingly combine, conspire, confederate and agree with each other to commit certain offenses against the United States as follows:

(a) devise and participate in a scheme and artifice to deprive the State of Connecticut and its citizens of the intangible right to the honest services of its Governor, the defendant JOHN G. ROWLAND, and of public officials Peter N. Ellef, Lawrence Alibozek and others, and to have

those services performed free from deceit, favoritism, bias, conflict of interest and self enrichment, in violation of 18 U.S.C. § 1341, 1346;

(b) willfully and knowingly defraud the United States for the purpose of impeding, impairing, obstructing and defeating the lawful Government functions of the Internal Revenue Service of the Treasury Department in the ascertainment, computation, assessment and collection of the revenue, that is, income taxes, in violation of 18 U.S.C. § 371.

MANNER AND MEANS

The manner and means by which the conspiracy was sought to be accomplished included, among others, the following:

9. From approximately 1998 through 2003, defendant JOHN G. ROWLAND had an undisclosed and improper conflict of interest which deprived the State of Connecticut of his honest services in that he accepted things of value from Tomasso and related entities and from Entity A for, because of, and in connection with the business of the State of Connecticut.

10. It was further part of the conspiracy that between approximately January 1998 and July 2002, defendant JOHN G. ROWLAND together with Peter N. Ellef and others took official actions which benefitted the financial interests of both Tomasso and related entities as well as Entity A.

11. It was further part of the conspiracy that Peter N. Ellef used the Office of the Governor to provide confidential information and state business to Tomasso and related entities and that defendant JOHN G. ROWLAND consciously avoided obtaining complete knowledge of the details and full extent of Ellef's conduct.

12. It was further part of the conspiracy that defendant JOHN G. ROWLAND consciously avoided obtaining knowledge that Ellef was taking things of value from Tomasso

and related entities and that Ellef acted with the intent to be influenced in connection with the business of the State of Connecticut.

13. As a result of and in furtherance of the conspiracy, defendant JOHN G. ROWLAND approved state projects which benefitted the financial interests of Tomasso and related entities.

14. As a result of and in furtherance of the conspiracy, Peter N. Ellef approved, promoted and steered state business to Tomasso and related entities.

15. As a result of and in furtherance of the conspiracy, defendant JOHN G. ROWLAND and Peter N. Ellef took official action to benefit the financial interests of Entity A.

16. As a result of and in furtherance of the conspiracy, defendant JOHN G. ROWLAND concealed his receipt of gratuities, and the concealment included the failure to report these illegal payments on his individual federal income tax returns, Forms 1040.

OVERT ACTS

17. Between in or about February 1998 and February 2002, defendant JOHN G. ROWLAND vacationed alone with this family at no charge or for a very nominal rate approximately four times at the Florida and Vermont homes of Tomasso and related entities.

18. Between in or about May 1998 and May 1999, Peter N. Ellef, Lawrence Alibozek together with Tomasso and related entities arranged for construction and heating work to be performed at the defendant JOHN G. ROWLAND'S Bantam Lake Cottage.

19. Between in or about January 1998 and December 2000, defendant JOHN G. ROWLAND, without disclosing the conflict of interest resulting from the acceptance of gratuities from Tomasso and related entities, took official state action which benefitted the financial interests of Tomasso and related entities. The official state action included but was not limited to the following:

- A. Consenting to DPW entering into a contract, without competitive bidding which benefitted the financial interests of Tomasso and related entities;
- B. Approving bond agendas for, voting affirmatively as a member of the bond commission for, and subsequently allocating monies to projects which benefitted the financial interests of Tomasso and related entities;
- C. Directing that an appointed commissioner execute a contract which benefitted the financial interests of Tomasso and related entities.

20. In approximately November 2002, a federal grand jury served on the Office of the Governor a subpoena which sought records relating to Peter N. Ellef as well as Tomasso and related entities.

21. On approximately November 26, 2002, after the service of the subpoena, defendant JOHN G. ROWLAND sent a check in the amount of \$858.00 to Peter N. Ellef and falsely represented that the payment was a belated reimbursement for two of defendant JOHN G. ROWLAND's stays at the Vermont home of Tomasso and related entities.

22. Between approximately April 1999 and November 2000, defendant JOHN G. ROWLAND took personal trips at no charge on private chartered planes provided by Entity A.

23. In approximately October 2001, Peter N. Ellef directed DRS to include a tax exemption, which benefitted the financial interests of Entity A, in DRS's 2002 legislative proposals.

24. In approximately January 2002, defendant JOHN G. ROWLAND approved as part of the Governor's Budget, a retroactive tax exemption which benefitted the financial interests of Entity A.

25. For the purpose of executing and attempting to execute the aforesaid scheme and artifice to defraud, on or about the dates listed below, in the District of Connecticut and

elsewhere, a coconspirator did knowingly cause to be placed in an authorized depository for mail matter and did knowingly cause to be sent and delivered by any private or commercial interstate carrier the following:

<u>Date</u>	<u>Use of United States Mail and Commercial Interstate Carrier</u>
9/6/01	Presentation Package regarding tax exemption sent via Federal Express to Commissioner of DOT
11/26/02	Letter to Peter N. Ellef regarding payment to Tomasso and related entities;

26. For the purpose of executing and attempting to execute the aforesaid scheme to defraud the Internal Revenue Service of the Treasury Department in the ascertainment and collection of income taxes, defendant JOHN G. ROWLAND did willfully make and subscribe false U.S. Individual Income Tax Returns, Forms 1040, filed jointly, wherein he under reported his personal income by concealing and failing to report as income, the value of the following illegal payments: Tomasso vacations, Tomasso cottage work and heating system, and private chartered jet flights, all of which totaled \$107,042.69.

. All in violation of Title 18, U.S.C. § 371.

UNITED STATES OF AMERICA

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NORA R. DANNEHY
ASSISTANT UNITED STATES ATTORNEY

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ASSISTANT UNITED STATES ATTORNEY